

REMARKS

Claims 1-17 are pending and under consideration. Reconsideration is requested based on the following remarks.

Response to Arguments:

The Applicants appreciate the consideration given to their arguments, and the new grounds of rejection. Further favorable reconsideration is requested.

Objections to the Specification:

The Specification has been objected to for various informalities. Appropriate corrections were made. Withdrawal of the objection is earnestly solicited.

Claim Rejections – 35 U.S.C. § 103:

Claims 1, 2, 4, 5, 6, 8, 9, 10, 12, 13, 14, 16, and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,117,186 to Wydall et al. (hereinafter "Wydall") in view of U.S. Patent Application Publication No. 2003/0023707 to Ryan (hereinafter "Ryan").

The third clause of claim 1 recites:

Checking values of the parameters.

Wydall neither teaches, discloses, nor suggests "checking values of the parameters," as recited in claim 1. Ryan does not either. The Office Action, in fact, does not even assert that either Wydall or Ryan do show "checking values of the parameters," as recited in claim 1.

The fourth clause of claim 1 recites:

When a checked result is correct, storing values of the parameters.

Wydall neither teaches, discloses, nor suggests "when a checked result is correct, storing values of the parameters," as recited in claim 1. Ryan does not either. The Office Action, in fact, does not even assert that either Wydall or Ryan do show "when a checked result is correct, storing values of the parameters," as recited in claim 1.

The fifth clause of claim 1 recites:

Executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter.

Wydall neither teaches, discloses, nor suggests "executing steps specified by the step

information in a way that replaces a parameter of the step information with a value of the parameter," as recited in claim 1. In Wydall, rather, the optimum size and/or frame rate is determined for this computer 2 by examining the operation of the computer 2 during playback of the video, not by "executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter," as recited in claim 1. In particular, as described at column 6, lines 60-67, continuing at column 7, lines 1-3:

If the CD-ROM program has not previously been used on this computer 2 (or if the CD-ROM program has been "uninstalled", e.g., the video parameters have been deleted from the hard disk 8), then a test video is loaded and played at full screen size (step 216). By examining the operation of the computer 2 during playback of the video, the optimum size and/or frame rate is determined for this computer 2 (step 218). This information is saved on the hard disk 8, e.g., in a cdnav.ini or the WIN.INI file, as discussed above (step 220) and the video is played back according to these parameters.

Since, in Wydall, the optimum size and/or frame rate is determined for this computer 2 by examining the operation of the computer 2 during playback of the video, Wydall is not "executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter," as recited in claim 1.

The Office Action notes this deficiency of Wydall, and attempts to compensate for it by modifying Wydall in view of Ryan. Ryan, however, is not "executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter," as recited in claim 1, either, and thus cannot make up for the deficiencies of Wydall with respect to claim 1. In Ryan, rather, as noted in the Office action at page 4, lines 13 and 14:

A tuner script 216 may be executed which reads previously created batch configuration document 212 and edits the tunable configuration files 206.

Thus, in Ryan, the *script*, which contains no parameters, creates or modifies the *batch configuration* document, which does. In particular, as described in paragraph [0016]:

The script may be referred to as a generator script. The generator script may, when executed, parse a portion or all of the available tunable configuration files on the intelligent device and build these into a batch configuration document. If the batch configuration document does not already exist, the generator script may create a new batch configuration document. If the batch configuration document does exist, the generator script may modify the existing batch configuration document, or alternatively may create a new version of the batch configuration document.

Since, in Ryan, the generator script contains no parameters, executing a generator script is not "executing steps specified by the step information in a way that replaces a parameter of the step

information with a value of the parameter," as recited in claim 1.

Furthermore, in Ryan, executing the *tuner* script edits or creates a *configuration* file. In particular, as described at paragraph [0018]:

The tuner script may, when executed, read a previously created batch configuration document, verify that the relevant component(s) are present in the device, edit and/or create the indicated configuration files, and optionally reboot the intelligent device if necessary.

Since, in Ryan, executing the tuner script edits or creates a configuration file, Ryan is not "executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter," as recited in claim 1.

Furthermore, as noted in the Office Action at page 4, lines 15, 16, and 17:

The batch tuner sets all applicable tunable parameters in all available tunable configuration files 206 to the parameter values specified in batch configuration document 212).

Since, in Ryan, the *batch* tuner sets the tunable parameters in the *configuration* files 206, Ryan is not "executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter," as recited in claim 1.

Ryan, rather, is taking and maintaining *snapshots* of tunable parameters on an intelligent device to standardize system installations, restores, etc. In particular, as described at paragraph [0014]:

Embodiments of the batch tuning mechanism allow snapshots of tunable parameters on an intelligent device to be taken and maintained, and may provide a standard mechanism for dealing with system installations, restores, etc., and as such making the overall maintenance of intelligent devices more manageable.

Furthermore, in Ryan, a *user* tunes the configuration files, and then a batch tuning mechanism generates batch configuration documents from the configurations. In particular, as described at paragraph [0015]:

To tune the components, a user modifies (tunes) the configuration files. The intelligent device may also include a batch tuning mechanism (referred to as a "batch tuner") to generate new and/or modify existing batch configuration documents from a plurality of tunable configuration files on the intelligent device.

Since, in Ryan, a user tunes the configuration files, and then a batch tuning mechanism generates batch configuration documents from the configurations, Ryan is not "executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter," as recited in claim 1.

Furthermore, in Ryan, the *user* tunes the intelligent device for a particular configuration and generates a batch configuration document. In particular, as described in paragraph [0019]:

In other words, a user may "tune" the intelligent device for a particular configuration, generate a first batch configuration document, retune the device to a second configuration, generate a second batch configuration document, and so on to create a plurality of batch configuration documents.

Since, in Ryan, the user tunes the intelligent device for a particular configuration and generates a batch configuration document, Ryan is not "executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter," as recited in claim 1.

Furthermore, in Ryan, a DOM tree includes the parameter values for the tunable parameters in the configuration file. In particular, as described in paragraph [0023]:

During generating a batch configuration document from a plurality of tunable configuration files, the batch tuner may use the API (e.g. DOM or SAX API) to construct one or more DOM trees from the configuration files, where each configuration file is associated with a particular DOM tree. The DOM tree may include the parameter values for the tunable parameters in the configuration file associated with this DOM tree.

Then, in Ryan, the values of tunable parameters may be accessed from the DOM tree and written to the batch configuration document. In particular, as described in paragraph [0024]:

After generating a DOM tree from a tunable configuration file, relevant information from the file, including the values of tunable parameters for the component associated with the file, may be accessed from the DOM tree and written to the batch configuration document.

Since, in Ryan, the DOM tree includes the parameter values for the tunable parameters in the configuration file, which may be accessed from the DOM tree and written to the batch configuration document, Ryan is not "executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter," as recited in claim 1.

Fig. 5, for its part, illustrates one embodiment of what such a batch configuration document 212 may look like for two configuration files. In particular, as described in paragraph [0057]:

FIG. 5 illustrates one embodiment of what such a batch configuration document 212 may look like for two configuration files.

Since, in Ryan, a batch configuration document 212 may be derived from two configuration files,

Ryan is not "executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter," as recited in claim 1.

Fig. 12 of Ryan, furthermore, is a flowchart illustrating a method for generating a batch configuration document 212 from multiple tunable configuration files 206. In particular, as described in paragraph [0092]:

FIG. 12 is a flowchart illustrating a method for generating a batch configuration document 212 from multiple tunable configuration files 206 according to one embodiment. As indicated at 300, available tunable configuration files 206 on a tuned intelligent device 200 are parsed to locate tunable parameters to be added to a batch configuration document 212.

Since, in Ryan, a batch configuration document 212 may be generated from two configuration files, as shown in Fig. 12, Ryan is not "executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter," as recited in claim 1. Thus, even if Wydall and Ryan were combined, the claimed invention would not result.

Furthermore, as noted in the Office Action at page 5, lines 3 and 4, the configuration tools of Ryan could be "used to apply changed configuration file to the component directly." Since, in Ryan, the configuration tools of Ryan could be "used to apply changed configuration file to the component directly," Ryan is not "executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter," as recited in claim 1.

The Office Action asserts at page 5, lines 5 to 8, that:

The combination is proper because Ryan discloses a user may have to access two or more of configuration tools to tune the individual configuration files associated with the components that the user wishes to tune.

Wydall, in contrast, wants his method to require *no* decision making on the part of the user, and to work *regardless* of the configuration of the host system. In particular, as described at column 3, line 64 to 67 of Wydall:

The method should be easy for non-technical people to use, and thus require no decision making on the part of the user. The method should work successfully regardless of the configuration of the host system.

Thus, modifying Wydall as proposed in the Office Action, by providing a user with access to configuration tools to tune the individual configuration files that the user wishes to tune, would render Wydall unsatisfactory for its intended purposes of requiring no decision making on the part of the user and working successfully regardless of the configuration of the host system. As

provided in M.P.E.P. §2143.01:

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Since the proposed modification would render Wydall unsatisfactory for its intended purpose, there is no suggestion or motivation to make the proposed modification, *In re Gordon*.

Modifying Wydall as proposed in the Office Action, furthermore, by providing a user with access to configuration tools to tune the individual configuration files that the user wishes to tune, would change the principle of operation of Wydall. As also provided in M.P.E.P. §2143.01:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Since the proposed modification of Wydall would change the principle of operation of Wydall, the teachings of the references are not sufficient to render the claims prima facie obvious, *In re Ratti*. Claim 1 is thus submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 2 and 4 depend from claim 1 and add additional distinguishing elements. Claims 2 and 4 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2 and 4 is earnestly solicited.

Claims 5, 6, 8, 9, 10, 12, 13, 14, and 16:

The third clauses of claims 5, 9, and 13 recite substantially:

Checking values of the parameters.

Neither Wydall nor Ryan teach, disclose, or suggest "checking values of the parameters," as discussed above with respect to the rejection of claim 1.

The fourth clauses of claims 5, 9, and 13 recite substantially:

When a checked result is correct, referring to values of the parameters.

Neither Wydall nor Ryan teach, disclose, or suggest "when a checked result is correct, referring to values of the parameters," as discussed above with respect to the rejection of claim 1.

The fifth clauses of claims 5, 9, and 13 recite substantially:

Executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter.

Neither Wydall nor Ryan teach, disclose, or suggest "executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter," as discussed above with respect to the rejection of claim 1. Claims 5, 9, and 13 are submitted to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claims 5, 9, and 13 is earnestly solicited.

Claims 6, 8, 10, 12, 14, and 16 depend from claim 5, claim 9, or claim 13 and add additional distinguishing elements. Claims 6, 8, 10, 12, 14, and 16 are thus also submitted to be allowable. Withdrawal of the rejection of claims 6, 8, 10, 12, 14, and 16 is earnestly solicited.

Claims 3, 7, 11, and 15:

Claims 3, 7, 11, and 15 depend from claim 1, claim 5, claim 9, or claim 13, respectively, and add additional distinguishing elements. Claims 3, 7, 11, and 15, for example, recite "decrypting the step information encrypted." Neither Wydall nor Ryan teach, disclose, or suggest "decrypting the step information encrypted," as recited in claim 3, 7, 11, and 15. Claims 3, 7, 11, and 15 are thus submitted to be allowable. Withdrawal of the rejection of claims 3, 7, 11, and 15 is earnestly solicited.

Claim 17:

The second clause of claim 17 recites:

Checking values of parameters contained in step information.

Neither Wydall nor Ryan teach, disclose, or suggest, "checking values of parameters contained in step information," as discussed above with respect to the rejection of claim 1.

The third clause of claim 17 recites:

Referring to values of the parameters when the checking produces a correct result.

Neither Wydall nor Ryan teach, disclose, or suggest, "referring to values of the parameters when the checking produces a correct result," as discussed above with respect to the rejection of claim 1.

The fourth clause of claim 17 recites:

Replacing a parameter of the step information with a value of the parameter by executing steps specified by the step information.

Neither Wydall nor Ryan teach, disclose, or suggest, "replacing a parameter of the step information with a value of the parameter by executing steps specified by the step information," as discussed above with respect to the rejection of claim 1. Claim 17 is thus submitted to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 17 is earnestly solicited.

Allowable Subject Matter:

Since no specific grounds of rejection were lodged against claim 3, acknowledgement of the allowability of claim 3 is presumed.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-17 are allowable over the cited references. Allowance of all claims 1-17 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 07/11/07

By: 

Thomas E. McKiernan

Registration No. 37,889

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501